

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAR 13 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0486-PR
)	DEPARTMENT A
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
CHAD LUCAS HARRISON,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20030221

Honorable Stephen C. Villarreal, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney
By Jacob R. Lines

Tucson
Attorneys for Respondent

Chad L. Harrison

Florence
In Propria Persona

H O W A R D, Chief Judge.

¶1 Following a jury trial, petitioner Chad Harrison was convicted of theft of means of transportation by control and/or by controlling stolen property. Harrison admitted having three prior felony convictions, and the trial court imposed an aggravated,

twenty-year term of imprisonment. In exchange for Harrison's agreement to testify in another matter, the court subsequently vacated his conviction and sentence, accepted his guilty plea to the same offense, and sentenced him to a presumptive, 3.5-year term of imprisonment in 2006. In 2012, more than six years after he was sentenced, Harrison filed his first notice of post-conviction relief, in propria persona, followed by a petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P.¹ The trial court dismissed Harrison's petition without conducting an evidentiary hearing, and this petition for review followed. "We will not disturb a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). We find no abuse here.

¶2 On review, Harrison argues the trial court abused its discretion by finding his petition untimely and by denying relief based on his claims of ineffective assistance of counsel, newly discovered evidence, a significant change in the law, lack of jurisdiction, a duplicitous indictment, and his sentence and conviction were unconstitutional. Harrison also asserts his conviction in this matter impacted the sentence imposed in another matter and asks that we grant a new trial, dismiss the indictment "in its entirety," or "issue a ruling stating [this matter] is not legal for use as a prior conviction." Notably, Harrison did not explain in his petition the grounds for his claims of ineffective assistance of counsel, newly discovered evidence or a significant change in

¹Although Harrison indicated in his notice of post-conviction relief that he had filed a prior Rule 32 petition, the record does not reflect such a proceeding. In addition, he informed the trial court he did not want an attorney appointed to represent him in the post-conviction proceeding.

the law, nor did he explain why he had waited more than six years after he was sentenced to initiate this proceeding.

¶3 The trial court correctly found Harrison's claims either untimely, unsupported or without merit, or not cognizable under Rule 32. Based on the record before us, we cannot say the court abused its discretion in ruling as it did. The court denied relief in a thorough ruling that clearly identified Harrison's arguments and correctly ruled on them in a manner that will allow future courts to understand its resolution. We therefore approve and adopt the court's ruling and see no need to reiterate it here. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶4 Because the trial court did not abuse its discretion by denying post-conviction relief, we grant the petition for review but deny relief.

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

/s/ Michael Miller
MICHAEL MILLER, Judge